

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN R., <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
v.)	
)	
JIM JUSTICE, in his official capacity as)	Case No. 3:19-cv-00710
Governor of West Virginia, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

MOTION FOR A STAY OF DEFENDANTS' DEADLINE TO FILE AN ANSWER

Defendants, by and through their undersigned counsel, hereby move to stay the time to file an answer to the Complaint until such time as the settlement negotiations have concluded.

On January 13, 2022 the Court granted in part and denied in part Defendants' Motion to Dismiss. Doc. 299.

Under the Federal Rules of Civil Procedure, a defendant must serve an answer within 14 days after the court acts on a motion to dismiss. *See* Fed. R. Civ. P. 12(a)(4)(A). Under Rule 12, the deadline for Defendants to file an answer to the Complaint January 27, 2023.

On January 23, 2023, the Court held a status conference during which the parties agreed to engage in settlement negotiations. *See* Doc. 302. Toward the end of the status conference, Defendants' counsel asked if the Court would be amenable to a stay of Defendants' deadline to file an answer while the settlement negotiations were ongoing, and the Court indicated that such a stay made sense to allow the parties to focus on settlement.

In light of the upcoming settlement negotiations between the parties, Defendants ask that the Court to formally stay the deadline to file an answer. If settlement negotiations are

unsuccessful, Defendants, in consultation with Plaintiffs, will propose a new deadline for Defendants to file their answer.¹

Respectfully submitted,

January 26, 2022

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¹ Defendants asked Plaintiffs if they would assent to a stay of Defendants' deadline to file an answer. Plaintiffs did not assent and instead proposed a motion to extend the deadline to file an answer by 30 days to February 27, 2023. Plaintiffs' proposal would require Defendants to work on the answer in February, when Defendants are hoping to focus their efforts and resources on settlement.

CERTIFICATE OF SERVICE

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of Defendants' Motion for a Stay of Defendants' Deadline to File an Answer to be delivered to the following via ECF notification:

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